

Attorney Docket No.:       **DEX-0532**  
Inventors:                   **Macina et al.**  
Serial No.:                  **10/523,834**  
Filing Date:               **April 26, 2006**  
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**REMARKS**

Claims 19, 21-22, 25-27, 29-30, 33 and 34 are pending in the instant application. Claims 19, 21-22, 25-27, 29-30, 33 and 34 have been rejected. Claims 19 and 27 have been amended. New claims 43-54 have been added. Support for these amendments can be found in canceled claims 20 and 28 and in the specification at page 80, line 15, through page 81, line 9. No new matter is added by these amendments. Reconsideration is respectfully requested in light of the amendments and the following remarks.

**Rejection of Claims 19, 21, 22, 25-27, 30, 33 and 34 under  
35 U.S.C. 102(e) or 35 U.S.C. 103(a)**

Claims 19, 21, 22, 25, 27, 30 and 33 have been rejected under 35 U.S.C. 102(e) as being anticipated by Barry et al. (WO 01/71358). The Examiner suggests that Barry et al. discloses monoclonal antibodies and antigen binding fragments thereof that specifically bind the following fragment of osteopontin: SVVTGLR. The Examiner suggests that because this fragment of Barry et al. is within amino acids 90-97 of instant SEQ ID NO:265, one of skill in the art would recognize that the antibody of Barry et al. would specifically bind amino acids 90-97 of instant SEQ ID NO:265 and would compete for binding to an epitope bound by an antibody that specifically binds the antigenic region of amino acids 90-97 of SEQ ID NO:265.

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Claims 19, 21, 22, 25-27, 29, 30, 33 and 34 have also been rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al. (WO 01/71358) as applied to claims 19, 21, 22, 25, 27, 29, 30 and 33 above and further in view of Muller et al. (U.S. 2003/0118585). The Examiner suggests that Muller et al. teaches antibodies that specifically bind osteopontin conjugated to a toxin for the treatment of tumors.

Applicants respectfully traverse these rejections.

Applicants have amended claims 21 and 27 to recite that the antigenic region to which the antibody specifically binds is selected from the group consisting of:

- (a) amino acid residues 59-65 of SEQ ID NO: 265;
- (b) amino acid residues 71-83 of SEQ ID NO: 265;
- (c) amino acid residues 130-141 of SEQ ID NO: 265;
- (d) amino acid residues 169-177 of SEQ ID NO: 265;
- (e) amino acid residues 186-193 of SEQ ID NO: 265;
- (f) amino acid residues 195-202 of SEQ ID NO: 265; and
- (d) amino acid residues 226-240 of SEQ ID NO: 265.

Neither Barry et al. nor Muller et al. teach or suggest antibodies which specifically bind these antigenic regions. Accordingly, the cited references do not teach or suggest all the claim limitations and therefore cannot anticipate or render obvious these claims and claims dependent therefrom.

Withdrawal of this rejection is respectfully requested.

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Applicants have added new claims 45-54 drawn to an isolated monoclonal antibody, or antigen-binding portion thereof, which competes for binding to the epitope bound by an antibody which specifically binds an antigenic region of SEQ ID NO: 265 with an affinity of at least  $1 \times 10^{-6}$  molar (M) or specifically binds an antigenic region of SEQ ID NO: 265 with an affinity of at least  $1 \times 10^{-6}$  molar (M), wherein the antigenic region to which the antibody specifically binds is selected from the group consisting of:

- (a) amino acid residues 59-65 of SEQ ID NO: 265;
- (b) amino acid residues 71-83 of SEQ ID NO: 265;
- (c) amino acid residues 90-97 of SEQ ID NO: 265;
- (d) amino acid residues 130-141 of SEQ ID NO: 265;
- (e) amino acid residues 169-177 of SEQ ID NO: 265;
- (f) amino acid residues 186-193 of SEQ ID NO: 265;
- (g) amino acid residues 195-202 of SEQ ID NO: 265; and
- (h) amino acid residues 226-240 of SEQ ID NO: 265.

Neither Barry et al. nor Muller et al. teach or suggest an antibody which specifically binds an antigenic region of SEQ ID NO: 265 with an affinity of at least  $1 \times 10^{-6}$  molar (M). Accordingly, new claims 45-56 are also novel and unobvious over the cited art.

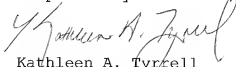
#### **Conclusion**

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

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Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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